

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MONTGOMERY CARL AKERS,

Plaintiff,

v.

BETH LABSON-FREEMAN, et al.,

Defendants.

Case No. [23-cv-04221-JSC](#)

**ORDER DENYING MOTION FOR  
STATUS CONFERENCE;  
INSTRUCTIONS TO CLERK**

Re: Dkt. No. 16

Plaintiff, a federal prisoner proceeding without a lawyer, filed this civil case. The complaint was dismissed with leave to amend, and Plaintiff was granted two extensions of time to file an amended complaint. (ECF Nos. 8, 12, 14.) The current deadline for the amended complaint is December 15, 2023. (See ECF No. 14.) The order granting the first extension of time (ECF No. 12) was returned by the United States Postal Service because it was “not deliverable as addressed.” (ECF No. 15.) The previous four court orders were not returned; to date, the most recent order granting the second extension of time has also not been returned. (ECF Nos. 5-8, 14.)

Plaintiff has filed a motion for a “status conference” in which he complains he did not receive a response to his first motion for an extension of time or to his separate request for civil complaint forms, both dated September 13, 2023. (ECF No. 16 at ¶¶ 2-3.)<sup>1</sup> This court received these two filings on September 18, 2023; on October 10, 2023, the Court granted the extension of time and the Clerk’s office sent him complaints and instructions. (ECF Nos. 10-12.) The order was mailed to Plaintiff at the address on the court’s docket, which states 02866-081, U.S. Penitentiary Max, P.O. Box 1000, Marion, Illinois, 62959. (*Id.*) This is the prisoner number and

<sup>1</sup> He indicates these motions were filed “September 13, 2023,” and the court received the first

1 address Plaintiff has provided to the court, with the exception of the phrase “U.S. Penitentiary  
2 Max,” which Plaintiff has not included. (*See* ECF No. 16 at 1; *see also* ECF No. 1 at 1  
3 (identifying Plaintiff’s prison simply as “U.S.P. - Marion, Illinois”).) The term “Max” may have  
4 caused the mail to be returned insofar as the United States Penitentiary in Marion, Illinois, does  
5 not appear to be a maximum-security institution. (*See*  
6 <https://www.bop.gov/locations/institutions/mar/> (stating U.S.P. – Marion is a “medium security  
7 U.S. penitentiary with an adjacent minimum security satellite camp”). In any event, because  
8 Plaintiff has not included the phrase “U.S. Penitentiary Max” in his address, the Clerk shall delete  
9 it from the court’s docket and re-send docket numbers 12 and 14 and the Court’s form civil  
10 complaint and instructions to Plaintiff using his prisoner number (02866-081) and the address:  
11 P.O. Box 1000, Marion, Illinois, 62959.

12 The motion for a status conference is DENIED as unnecessary in light of the above  
13 discussion. Plaintiff’s amended complaint is due on or before December 15, 2023, and his failure  
14 to file an amended complaint by that date and in accordance with the order of dismissal with leave  
15 to amend will result in the dismissal of this case.

16 This order resolves docket number 16.

17 **IT IS SO ORDERED.**

18 Dated: October 25, 2023

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21 JACQUELINE SCOTT CORLEY  
22 United States District Judge  
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